

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KOCH FOODS OF ALABAMA, LLC,
an Alabama limited liability company,

Plaintiff and Counter-
Defendant,

vs.

GENERAL ELECTRIC CAPITAL
CORPORATION, a Delaware corporation,

Defendant and Counter-
Plaintiff,

CIVIL ACTION NO.
2:07 CV 522-MHT

**DEFENDANT GE CAPITAL CORPORATION'S
RESPONSE TO KOCH FOODS' OBJECTION TO
GECC'S MOTION FOR LEAVE TO FILE REPLY**

Defendant/Counter-Plaintiff General Electric Capital Corporation ("GE Capital") wishes to file a brief Reply in further support of its Objections to Order and Protective Order Entered by Magistrate Judge Moorer on November 15, 2007 (Doc. 33) ("Objections to Order"), pointing out the deficiencies in the Response to GECC's Objections to Order and Protective Order (Doc. 52) ("Response"), which was filed on December 14, 2007, by Plaintiff/Counter-Defendant Koch Foods of Alabama, LLC ("Koch Foods"). Specifically, GE Capital raised five separately numbered objections in its Objections to Order. In the Response, Koch Foods has not addressed three of the five objections in any manner, and, with respect to the remaining two objections, the Response is unpersuasive and fails to address controlling Alabama authority. GE Capital believes that the Court would be assisted by such additional analysis.

Dated: December 18, 2007

Respectfully submitted,

By: /s/ Rusha C. Smith
Attorney for General Electric Capital
Corporation

OF COUNSEL:

Rusha C. Smith
Bradley Arant Rose & White LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2104
Telephone: (205) 521-8000
Facsimile: (205) 521-8800

OF COUNSEL:

Alexander Terras
Timothy S. Harris
Reed Smith Sachnoff & Weaver
10 South Wacker Drive
Chicago, IL 60606
Telephone: (312) 207-1000
Facsimile: (312) 207-6400

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Thomas G. Mancuso, Esq.
Mancuso & Franco, P.C.
7515 Halcyon Summit Drive
Suite 301
Montgomery, AL 36177

Eugene J. Geekie, Jr., Esq.
Mike Xu, Esq.
Schiff Hardin LLP
6600 Sears Tower
Chicago IL 60606

/s/ Rusha C. Smith
COUNSEL